

## **REMARKS**

In the Office Action mailed on October 6, 2004 claims 1-10 were pending. Claims 4-10 were withdrawn. Claims 1-3 were rejected.

Claim 1 has been amended. The proposed amendment does not contain new matter. The subject matter of the amendments can be found in the originally filed specification and in the originally filed claims, among other places. Applicants respectfully request admission of the amended claim 1.

Claim 2 has been cancelled and is no longer pending.

### **I. Election/Restriction Requirement**

In the Office Action at page 2, number 1, the Examiner is requiring an election of one of the following inventions:

Group 1 includes claims 1-3 drawn to a coated article; and

Group 2 includes claims 4-10 drawn to a method of coating.

During a telephone conversation on September 29, 2004, a provisional election was made with traverse to prosecute the invention of Group I (claims 1-3). Claims 4-10 were withdrawn from further consideration by the Examiner as being drawn to a non-elected invention. Applicants affirm the election made via telephone in September 2004.

### **II. Objection to the Drawings**

In the Office Action at page 3, number 6, Figure 7 was objected to under 37 CFR 1.83(a) because the figure failed to show the color of the samples in relation to the examples shown in Table 1 as described in the specification. Applicants previously canceled Figure 7 in a response to the

United States Patent Office dated May 3, 2004 and wish to affirm that cancellation at this time. This objection is no longer valid, and Applicants respectfully request the withdrawal of this objection.

## **II. Rejections under 35 U.S.C. § 102**

### **A. Rejection over U.S. Patent No. 5,693,134 (“Stephens”)**

In the Office Action at page 4, number 8, claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stephens. Applicants respectfully traverse this rejection.

#### **1. The Present Invention**

The present invention as recited in amended claim 1 is a coated article comprising: a glass substrate; and a copper oxide and manganese oxide coating over the substrate, the coating having the molar ratio of copper to manganese in the range of about 0.8 to 1.2 and a blue color in transmission.

#### **2. Stephens**

Stephens discloses an interference pigment comprising a platelet-shaped substrate coated with titanium dioxide and additionally oxide compounds of copper and manganese, whereby the pigment powder color is dark gray.

#### **3. Traversal of the Rejection**

For a proper rejection under 35 U.S.C. § 102, the cited reference must disclose each and every limitation of the invention. The present invention as recited in amended claim 1 is a coated article made up of a glass substrate that demonstrates a blue color in transmission. Light is transmitted through the glass substrate of the invention has a blue color. In contrast to the

present invention, Stephens discloses an interference pigment. The pigment of Stephens is used as a replacement for conventional metal pigments in paints which would not ordinarily be applied over a glass substrate.

Because Stephens does not disclose a glass substrate having a blue color in transmission, the reference does not disclose each and every element as recited in amended claim 1. As a result, claim 1 is not anticipated by the cited reference, and Applicants respectfully request the withdrawal of this rejection.

Claim 3 directly depends from amended claim 1 and recites the invention in varying scope. As discussed above, amended claim 1 is not anticipated by the cited reference, and claim 3 is similarly not anticipated. As a result, Applicants respectfully request the withdrawal of this rejection of claim 3.

#### **B. Rejection over U.S. Patent No. 5,252,949 (“Kirby”)**

In the Office Action at page 4, number 9, claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kirby. Applicants respectfully traverse this rejection.

##### **1. Kirby**

Kirby discloses a ceramic sensor comprising a thin film of  $\text{Cu}_x\text{Mn}_{2-x}\text{O}_{4-y}$  that quantitatively measures the partial pressure of CO gas in a flowing system.

##### **2. Traversal of the Rejection**

The rule for a § 102 rejection is discussed above. The present invention as recited in amended claim 1 is a coated article made up of a glass substrate that demonstrates a blue color in transmission. In contrast to the

present invention, Kirby discloses a sensor for CO gas. The substrate of Kirby is typically an insulating material such as alumina, magnesia or zirconia.

Because Kirby does not disclose a glass substrate having a blue color in transmission, the reference does not disclose each and every element as recited in amended claim 1. As a result, claim 1 is not anticipated by the cited reference, and Applicants respectfully request the withdrawal of this rejection.

Claim 3 directly depends from amended claim 1 and recites the invention in varying scope. As discussed above, amended claim 1 is not anticipated by the cited reference, and claim 3 is similarly not anticipated. As a result, Applicants respectfully request the withdrawal of this rejection of claim 3.

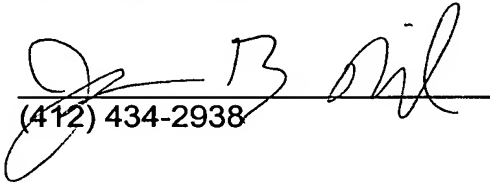
### **III. CONCLUSION**

In light of the amendments and remarks presented in this correspondence, Applicants respectfully request the withdrawal of the objection to the drawing and the following rejections: the rejection of claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Stephens; the rejection of claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Kirby; and allowance of claims 1 and 3.

If any questions remain about this application, the Examiner is requested to contact Applicants' attorney at the telephone number provided below. Thank you.

Respectfully submitted,

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